

Serial No. 09/386,848

Docket No. 0879-0240P

Reply to Office Action of October 6, 2003

Page 6

REMARKS

Claims 1, 3-6, 8, and 9 are pending in this application. Claims 1 and 6 are independent and have been amended. Claims 2 and 7 have been canceled. Reconsideration of the present application as amended is respectfully requested.

Claim Status

Claims 1, 3-6, 8, and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0048465 to Toyofuku et al. in view of newly cited U. S. Patent No. 6,549,681 to Takiguchi et al.

Present Invention

In the present invention, a digital camera permits a captured image to be stored in a memory as an image file, wherein the stored images can be erased on a file-by-file basis from the memory. The present invention prevents an image that is part of multiple related images, such as panoramic images or a sequence of separate images, from being accidentally erased. Additional information concerning a selected image to be erased is referred to before erasure from the memory. If a selected image is prohibited from being erased independently, a display indicates to the user that

Serial No. 09/386,848

Docket No. 0879-0240P

Reply to Office Action of October 6, 2003

Page 7

the selected image relates to other images stored in the memory, thereby preventing the user from accidentally erasing a part of a panoramic image or a sequence of separate images.

Cited Art

Toyofuku et al. appears to be a device and method which includes a warning when a frame constituting a panoramic image is selected to be erased. A protect code added to the image corresponds to the warning to inhibit erasure. At paragraph [0149], Toyofuku et al. describes adding the protect code to individual images included in a panorama.

The Examiner states that Takiguchi et al. teaches in column 57, lines 40-51, a "method of collectively deleting all images associated with a panoramic image simultaneously to also allow a user the option to erase all of the images related to a panoramic image simultaneously so that the user would not have to independently erase each of the pictures and therefore, save the user time." This phrase by the Examiner is a summary of the claimed "eraser", as recited in present claim 1.

It is respectfully submitted that Takiguchi et al. appears to teach something entirely different than that summarized by the Examiner. Takiguchi et al. describes an ascertainment that the

Serial No. 09/386,848

Docket No. 0879-0240P

Reply to Office Action of October 6, 2003

Page 8

thumbnail image belongs to the panoramic group (step S92) and starts a synthesization process. The synthesization process is performed to display a registered panoramic image. More specifically, at step S91, a check is made if the thumbnail form represents a group for a panoramic image. Step S92 is a check to see if the group can be synthesized to form a panoramic image. In step S93, if the panoramic group corresponds to the form, a thumbnail image of the thumbnail form is created. Hereafter, in step S94, the selected panoramic group is deleted from the system 15 and a newly created panoramic image is registered. This newly created image is displayed at step S95.

#### Proposal

In the Office Action, the Examiner has indicated that Toyofuku et al. does not teach that a decision device decides whether to collectively erase a selected image and that the plurality of images relates to the selected image. The Examiner further states that Toyofuku et al. does not teach that an eraser erases the selected image and the plurality of images relating to the selected image from the memory if the decision device decides to collectively erase the selected image from the memory. According to the Examiner, these noted features are found in Takiguchi et al.

Serial No. 09/386,848

Docket No. 0879-0240P

Reply to Office Action of October 6, 2003

Page 9

It is respectfully submitted that the Examiner is incorrect with this assertion and with the alleged combination. As noted previously, Takeguchi et al. forms a panoramic image from a panoramic group. Once the image is formed and registered, the panoramic group is deleted. This is different from the claimed invention. It is submitted that proposed amended independent claims 1 and 6 reciting that the "selected image to be erased" is distinctly different than the prior art and, thus, claims 1 and 6 are patentable thereover.

#### CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

Should any issues remain, however, the Examiner is invited to telephone Daniel K. Dorsey (Reg. No. 32,520) at (703) 205-8000 in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

Serial No. 09/386,848

Docket No. 0879-0240P

Reply to Office Action of October 6, 2003

Page 10

required under 37 C.F.R. §§1.16 or 1.17, particularly extension of  
time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

**DRAFT**

By \_\_\_\_\_

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0879-0240P

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